

**BOARD OF APPEALS CASE NO. 5224**

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**BEFORE THE**

**APPLICANTS: Jerusalem Evangelical  
Lutheran Church & Harford County Govt.**

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**ZONING HEARING EXAMINER**

**REQUEST: Interpretation to correct a  
mapping error; 717 Wheeler School Road,  
Pylesville**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 1/23/02 & 1/30/02**

**HEARING DATE: March 25, 2002**

**Record: 1/25/02 & 2/1/02**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Jerusalem Evangelical Lutheran Church and Harford County Government, are requesting an interpretation, pursuant to Section 267-10D of the Harford County Code, to correct a mapping error in the 1997 Comprehensive Rezoning for 150 feet by 170 feet of B3 zoning as shown on the current maps in an Agricultural District.

The subject parcel is located at 717 Wheeler School Road, Pylesville, Maryland 21132, in the Fifth Election District, and is more particularly identified on Tax Map 10, Grid Number 2F, Parcel 23. The parcel has dimensions of 150 feet by 170 feet.

Mr. Anthony McClune, Manager, Division of Land Use Management for the Department of Planning and Zoning, appeared and testified that the subject property is a panhandle shaped lot with frontage on Wheeler School Road. The parcel is surrounded by the Enfield property, which is the subject of Case No: 5223. According to Mr. McClune, a 150 foot by 170 foot section of the subject parcel was changed from Agricultural to B3 zoning during the 1982 Comprehensive Rezoning. No request was made by either the County or the property owner to change the zoning of the subject parcel during either the 1989 or the 1997 Comprehensive Review. The witness referred to the 1982 zoning map (Staff Report Attachment 9) to show the area of B3 zoning established during the 1982 Comprehensive Rezoning. He then referred to the 1989 zoning map (Staff Report Attachment 10) to show that the area remained B3 following the 1989 Comprehensive Review.

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Mr. McClune then testified that he has personally reviewed the issue logs from the 1997 Comprehensive Review, and determined that no issues were filed regarding the subject property by either the owners, or the county, during that process. He also testified that the County has not amended the zoning maps or changed the zoning of the subject property since the 1982 Comprehensive Rezoning. However, during the drafting of the 1997 zoning map, the 150 foot by 170 foot portion of the property, which had previously been zoned B3, was eliminated, returning the entire parcel to an Agricultural classification. The witness testified that this change is evidenced by a review of the 1997 zoning map which he identified as Attachment 10 of the Staff Report. This change was recently brought to the County's attention by the adjoining property owner.

Ms. Amy O'Neil appeared on behalf of the Applicant, Jerusalem Evangelical Lutheran Church, and stated that the mail from the County regarding this matter is currently being sent to 708 Highland Road, Street Maryland 21154. She indicated that this is not the Applicant's correct address. She requested that the file be amended to reflect the correct address of 717 Wheeler School Road, Pylesville, Maryland 21132.

No witnesses appeared in opposition to the request.

**CONCLUSION:**

The Applicants, Jerusalem Evangelical Lutheran Church & Harford County Government, are requesting an interpretation, pursuant to Section 267-10D of the Harford County Code, to correct a mapping error in the 1997 Comprehensive Rezoning for 150 foot by 170 foot of B3 zoning as shown on the current maps in an Agricultural District.

Section 267-10D of the Harford County Code allows for the adjustment of mapping errors, stating:

“Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process.”

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The evidence presented by Mr. Anthony McClune, of the Harford County Department of Planning and Zoning, conclusively established that a 150 foot by 170 foot section of the subject parcel has been zoned B3 since the comprehensive Rezoning in 1982. No request was made by either the property owner, or the County to change the zoning of this parcel either during the 1987 or the 1997 Comprehensive Review. At no time since the 1982 Comprehensive Rezoning, has the County changed the zoning map, or amended the B3 zoning of this portion of the subject property. However, the B3 zoning for this section of the subject property was eliminated when the 1997 zoning map was drafted.

The Hearing Examiner finds that the elimination of the B3 portion of the subject property in 1997 was the result of a mapping error, and that an adjustment is necessary in order to correct this error, and to accurately reflect the proper B3 zoning for this section of the property.

Date    MAY 3, 2002

Rebecca A. Bryant  
Zoning Hearing Examiner